

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

PHILLIP D. GOETZ

Defendant.

8:21CR257

ORDER

This matter is before the Court on a one-page letter submitted by defendant Phillip D. Goetz (“Goetz”), dated May 25, 2023 (Filing No. 122). Goetz asks the Court to “consider [him] for early home confinement/halfway house.” The Court construes his request as one for compassionate release under 18 U.S.C. § 3582(c)(1)(A)(i), as amended by the First Step Act of 2018, Pub. L. No. 115-391, 132 Stat. 5194 (2018). The statute permits Goetz to move the Court to reduce his term of imprisonment for “extraordinary and compelling reasons” thirty days after the warden of the facility where he is incarcerated receives a request to file such a motion on his behalf. *Id.*

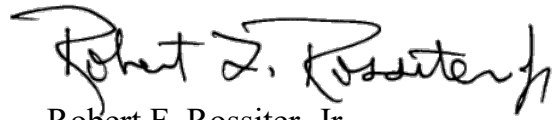
There is no indication Goetz ever made such a request to his warden. Without evidence of Goetz’s compliance with that “mandatory claim-processing rule,” *United States v. Houck*, 2 F.4th 1082, 1084 (8th Cir. 2021), the Court will deny his motion on initial review.¹

IT IS SO ORDERED.

Dated this 13th day of June 2023.

¹As to Goetz’s request that the Court “[p]lease at least keep [the] letter in [his] file” so the Court “can continue to chart [his] progress,” the letter has been filed and considered.

BY THE COURT:

A handwritten signature in black ink, reading "Robert F. Rossiter, Jr." with a stylized flourish at the end.

Robert F. Rossiter, Jr.
Chief United States District Judge